

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Michael Kubayanda, Chairman;  
Ashley E. Poling, Vice Chairwoman;  
Mark Acton;  
Ann C. Fisher; and  
Robert G. Taub

Regulations Pertaining to 39 U.S.C. § 601

Docket No. RM2020-4

ORDER HOLDING RULEMAKING IN ABEYANCE

(Issued July 2, 2021)

On February 7, 2020, the Commission issued an advance notice of proposed rulemaking to seek input from the public about what regulations promulgated by the Commission may be necessary to carry out the requirements of 39 U.S.C. § 601, which describes when the letter monopoly does not apply to a mailpiece.<sup>1</sup> In particular, the Commission sought comments on fourteen specific issues. See Order No. 5422 at 7-8.

Comments were received from The Berkshire Company; Taxpayers Protection Alliance; American Consumer Institute Center for Citizen Research; United Parcel Service, Inc.; FedEx Corporation; Netflix, Inc. (Netflix); Small Business & Entrepreneurship Council; the National Postal Policy Council and the National

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<sup>1</sup> Advance Notice of Proposed Rulemaking to Consider Regulations to Carry Out the Statutory Requirements of 39 U.S.C. 601, February 7, 2020, at 1 (Order No. 5422).

Association of Presort Mailers (NPPC/NAPM); the Association for Postal Commerce (PostCom); the United States Postal Service; and the Public Representative.<sup>2</sup> Netflix suggested that the Commission postpone moving forward in the proceeding because of disruptions due to the COVID-19 pandemic, while NPPC/NAPM and PostCom suggested that the Commission invite further comments once the impact of the COVID-19 pandemic has been assessed.<sup>3</sup>

Based on the comments received, the Commission finds it necessary to gather more information from the public before promulgating regulations. Accordingly, the Commission will initiate a public inquiry seeking comments to better inform our next steps. See Docket No. PI2021-2. This docket will be held in abeyance until after the public inquiry proceeding is completed. The Commission will issue an order governing proceedings in this docket following the completion of the public inquiry docket.

*It is ordered:*

Docket No. RM2020-4 is held in abeyance.

By the Commission.

Erica A. Barker  
Secretary

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<sup>2</sup> Comments of The Berkshire Company in Response to Order No. 5442, April 6, 2020; Comments of Taxpayers Protection Alliance, April 6, 2020; Comments of American Consumer Institute Center for Citizen Research Regarding Docket No. RM2020-4 Submitted to the United States Postal Regulatory Commission, April 6, 2020; Comments of United Parcel Service, Inc. on Advance Notice of Proposed Rulemaking to Consider Regulations to Carry Out the Statutory Requirements of 39 U.S.C. § 601, April 7, 2020; Comments of FedEx Corporation, April 7, 2020; Comments of Netflix, Inc., April 7, 2020 (Netflix Comments); Comments of Small Business & Entrepreneurship Council, April 7, 2020; Comments of the National Postal Policy Council and the National Association of Presort Mailers, April 7, 2020 (NPPC/NAPM Comments); Comments of the Association for Postal Commerce, April 7, 2020 (PostCom Comments); Comments of the United States Postal Service in Response to Order No. 5422, April 7, 2020; Public Representative Comments, April 7, 2020.

<sup>3</sup> See Netflix Comments at 7-8, NPPC/NAPM Comments at 12-13; PostCom Comments at 2-3. The Commission notes that it previously denied a motion to extend the comment deadline or hold this docket in abeyance indefinitely, finding it unnecessary due to the early stage of the proceeding at that time. See Order Denying Motion to Extend Comment Deadline, April 2, 2020 (Order No. 5470).